



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
JULY 21, 2021

The web-based meeting hosted on Zoom was called to order by Chairman Arnold Finaldi at 7:30 PM.

Present were Robert Chiocchio, Helen Hoffstaetter, Perry Salvagne, Joel Urice, Arnold Finaldi, and Alternate Kevin Haas. Also present was Deputy Planning Director Jennifer Emminger.

Absent was Alternate Gary Renz.

Mr. Chiocchio made a motion to accept the July 7, 2021 minutes. Mr. Salvagne seconded the motion and it was passed by voice vote with five ayes (from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi).

PUBLIC HEARING:

Nejame Plaza LLC – Application for Special Exception/Revised Site Plan Approval to permit Storage of Concrete Aggregates or Manufacture of Concrete & Concrete Products, Storage of Bituminous Product, Storage or Sale of Building Materials, & Storage of Construction Equipment (Nejame Pool Industrial Site) in the IG-80 Zone - 44 Payne Road (N12004) - SE #776.

Chairman Finaldi excused himself and turned the Chair over to Vice-Chairman Urice. He left the meeting as he is abstaining from this application. Vice-Chairman Urice asked Mr. Haas to take Chairman Finaldi's place for this specific application.

Mrs. Hoffstaetter read the legal notice regarding this application. Speaking in favor of this application was Taryn Ramey, a law student who is working with Attorney Ward Mazzucco. She noted that Attorney Mazzucco had requested in writing that all of the testimony and documentation from the previous application be incorporated into the record for this application. She then shared her screen to present the most recent revision to the site plan. She outlined the main points and pointed out where the opaque fencing would be installed, she mentioned the mountable curb to be installed, and the easement along the northern property boundary. She said vehicles to be repaired would be worked on inside of the building unless it is impossible due to their size. She said the contractor's

office is the primary use of this parcel and said they have set the timetable for all of the work on the site to be completed by the end of 2022.

Also speaking in favor was PE Ralph Gallagher who prepared the site plan for this project. He described some of the revisions that were made; they redid the number of storage bins and changed some of the sizes. They also recalculated the area to be devoted to construction equipment storage after the opaque fencing is installed. He spoke about the easements that are needed and said they are still working on addressing the issues in City Traffic Engineer Abdul Mohammed's report. Lastly he said he believes there is a two-hundred foot sight line on Payne Road as long as the hedges are kept trimmed. He spoke about the previous approvals that had been granted and spoke about their proposed phasing plan for this project. He answered some questions from the Commission regarding the storage of building materials and the location of the gate for the opaque fencing. Ms. Ramey then read two letters in favor of this from the neighbors who reside at #1 and #2 Buff Lane, Bethel.

Mrs. Emminger then read a letter received from the Town of Bethel Planning & Zoning Department regarding this proposal. Ms. Ramey said her office had also received a copy of the letter and would respond to it at the next meeting.

Vice-Chairman Urice asked Mrs. Emminger where they were at with responses from the various City Departments. Mrs. Emminger said she had met with the applicant's team at the beginning of July and we are waiting for their responses to be submitted. She added that Attorney Mazzucco had submitted a letter yesterday asking that this hearing be continued.

Mr. Chiochio made a motion to continue this hearing. Mr. Haas seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Haas, and Vice-Chairman Urice)

Chairman Finaldi rejoined the meeting at this time and took back the Chair from Vice-Chairman Urice.

CONTINUATION OF PUBLIC HEARING:

Newtown Road LLC/Maria & Manuel Andre, Manuel Neves Gouveia Marques, & Antonio Mendes Gouveia Marques – Application for Special Exception/Site Plan Approval for Child Day Care Center in the CG-20/RA-8 Zone – 36 Newtown Road, 40 & 42 Newtown Road, Whitney Avenue (K13188, K13190 & K12255, & K12254) – SE 780.

Chairman Finaldi said this application was withdrawn by Attorney Marcus on July 19, 2021. He read the letter from Attorney Marcus into the record.

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

Wooster Mountain Realty LLC – Application for Special Exception/Site Plan Approval for Medical Office (Danbury Proton LLC) and Trip Generation Over 500 Vehicle Trips Per Day in the IL-40 Zone – 85 Wooster Heights Road (G18062) – SE 781.

Chairman Finaldi said that Mrs. Emminger had emailed the Commission members a draft resolution for this decision. Mrs. Emminger went through the resolution pointing out specific items which were included. She said the property is located within the Airport Approach Zone and Airport Transition District of the Airport Protection Zone and the Applicant has received a final determination from the U.S. Department of Transportation Federal Aviation Administration (FAA) for the building and retaining walls. She included a reference to a letter from the applicant's attorney acknowledging that no new trees are to be planted on the subject property and the property owner has agreed to grant an avigation easement to the City to trim any trees on the site or trees that line both sides of Lee Farm Drive to the extent any such trees exceed a height of 60 feet from ground level. Including the conveying of land to the City for future roadway improvements and the easement for the traffic box. She said she also included all of the usual conditions that must be satisfied before any construction permits can be issued. She offered to answer any questions from the Commission members but there were none. Mr. Urice made a motion to approve this application per the draft resolution dated July 20, 2021. Mr. Chiochio seconded the motion and it was passed unanimously by voice vote with five ayes.

REFERRAL:

8-3a Referral: Petition of Sharon B. Calitro, Planning Director to Amend Sections 2.B and 10.J of the Zoning Regulations. (Moratorium on the Acceptance of Applications, Amendments, Petitions or Issuance of Zoning Permits for or related to Cannabis Establishments; new definitions).

Chairman Finaldi noted that because this is just a referral, there is no public input permitted. He continued saying that Mrs. Calitro will present the staff report and answer any questions, but there is no actual testimony allowed because this is not a public hearing. Mrs. Calitro said they all should have received a copy of the petition and the staff report. She said this proposal is simply to hit the pause button so we can determine how we want to regulate this. She said we did this in 2012 when medical marijuana was first approved. She explained that the proposed changes to Section 2 are to add the State definitions of cannabis and were taken right from the State legislation. She asked that they give this a petition a positive recommendation so we can evaluate how to regulate this if we decide we want it in Danbury. She said this does not affect the medical marijuana dispensary that is approved for Mill Plain Road. There are three choices (1) we can do nothing and just treat the sales like regular retail, (2) we can prohibit all of the uses, or (3) we can regulate the sale under the terms and limits issued by the State. The

other thing that could happen is since this is an election year; if a percentage of electors choose to submit a petition using specific language to either restrict or allow this, then it could become a question to be voted on during the November elections. She said essentially there are the three choices or the override by the community. Mr. Salvagne said he has no problem with the moratorium, he just hopes they can move this along. Mrs. Calitro said she asked for a year or less, so we can understand the economic impact this could have. Mr. Urice said this moratorium has nothing to do with whether this is good, bad or indifferent as it is still illegal at the Federal level. Mrs. Calitro said she feels a year or less will be a sufficient amount of time because this legislation is quite complex and touches many different aspects of local government. Mr. Salvagne asked if any of the other communities were prepared ahead of time and already have their regulations in effect so that we could follow them. Mrs. Calitro said no other community has any regulations in effect, although several have already instituted a prohibition on this use. She said she has been in contact with many of the communities and they are all in the same position as Danbury. Chairman Finaldi said a year or less is not an unreasonable amount of time and it will allow us to coordinate with some of the other towns. He added that this is just a referral and all they are doing is giving their opinion. He said the Zoning Commission public hearing is next Tuesday night and the public will be given an unlimited opportunity to speak on this issue at that time. He thanked everyone for respecting the limited nature of this process. Mr. Urice made a motion to give this a positive recommendation for the following reasons:

- This will give Staff and the Zoning Commission an adequate amount of time to properly evaluate the State legislation as approved, and to consider the adoption of amendments to the Zoning Regulations of the City of Danbury for local control of these uses, with a goal of maintaining and protecting the public health, safety and welfare of the residents of the community.

Mr. Chiochio seconded the motion and it was passed unanimously by voice vote with five ayes.

Chairman Finaldi said there was nothing to discuss under Other Matters and noted that there was no Correspondence. He added that there was one Floodplain Permit listed under For Reference Only.

At 8:30 PM. Mrs. Hoffstaetter made a motion to adjourn. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with five ayes.

Respectfully submitted,

JoAnne V. Read
Planning Assistant